

**Compliance Statement Attachments
Responses to NOV WR SW 05 055**

From: Metal Management Aerospace, Inc
To: Bureau of Water Management, CT DEP

Prepared by: Daniel Mullen, Metal Management Aerospace, Inc.

Date: October 21, 2005

Metal Management Aerospace, Inc. ("MTLM") received NOV #WR SW 05 055 ("NOV") dated September 22, 2005 from the Connecticut Department of Environmental Protection ("DEP"). The NOV noted seven (7) alleged violations of the General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Stormwater General Permit") and contained fourteen (14) Additional Comments requiring MTLM's response. In the sections that follow MTLM responds to each of the aforementioned allegations and comments.

1. *On September 2, 2005, an inspection was conducted by the DEP Bureau of Water Management. Based upon those inspections, it appears that you have:*
 - a. *Discharged oils and coolants without a permit in violation of Connecticut General Statute 22a-430 and of Section 5(b)(6)(C)(viii) of General Permit for the Discharge of Stormwater Associated with Industrial Activity, issued October 1, 2002, modified July 15, 2003 ("the general permit").*
 - b. *Failed to cover all dumpsters and containers in accordance with Section 5(b)(6)(C)(vi) of the general permit.*
 - c. *Failed to install adequate erosion and sediment controls in accordance with Section 5(b)(6)(C)(iv) of the general permit.*
 - d. *Failed to maintain good housekeeping in accordance with Section 5(b)(6)(C)(i) of the general permit.*
 - e. *Failed to conduct preventative maintenance of stormwater management devices in accordance with Section 5(b)(6)(C)(v) of the general permit.*
 - f. *Failed to maintain compliance with the Pollution Prevention Plan in accordance with Section 5(b)(6)(A) of the general permit.*
 - g. *Failed to amend the Pollution Prevention Plan to adequately protect against pollution of the waters of the state in accordance with Section 5(b)(4) of the general permit.*

Response: At this time, MTLM cannot confirm the general characterizations contained in NOV paragraphs 1a-g. Despite this, MTLM looks forward to providing detailed and specific responses to the "Additional Comments." Please understand that the failure to respond to the general allegations, and providing the responses to the Additional Comments do not constitute admissions of non-compliance.

Additional Comments:

1. *Pursuant to 1.a. and 1.c. above, install adequate erosion control measures and new oil absorbent booms at all outfalls. Erosion and sediment controls utilized must be consistent with the 2002 CT Erosion and Sediment Control Guidelines. A Professional Engineer must engineer the stabilization of the drainage swale, located to the east of the facility access road.*

Response: During follow-up conversations MTLM had with the DEP regarding the scope of Additional Comment #1, Outfall DSN-001 was identified as being in need of erosion control measures at the present time. Responding to the clarification provided by DEP, MTLM immediately requested and recently received a proposal from Larry Secor of Nafis & Young Engineers to install erosion controls at Outfall DSN-001. A purchase order was issued for Nafis & Young's services on October 21, 2005. As soon as possible, MTLM will submit a plan and completion schedule for Nafis & Young's work. MTLM intends to revisit the need for additional erosion controls at the other outfalls as necessitated by future conditions. To the extent complications are identified related to historic conditions, Danny Corp. must be notified.

Absorbent booms at all outfalls were changed on September 8, 2005, and have continued to be changed regularly by United Industrial Services. MTLM issued a blanket purchase order on October 10, 2005 to United Industrial Services for maintenance of all outfalls every three weeks or as needed. To the extent complications are identified related to historic conditions, Danny Corp. must be notified.

2. *Pursuant to 1.a. and 1.f. above, all above ground tanks and containers (such as the open-top metal tanks, empty & unclean load luggers, suis tub fins, 55 gallon drums, etc.) used for storage of metals must be stored in a contained area, under a cover, or within a contained area where stormwater runoff is collected and treated (or disposed off by a licensed waste hauler).*

Response: MTLM uses a number of different types of containers at a number of different locations across its facility. The table below identifies the container type, its location within the MTLM facility, and MTLM's storage policy with respect to that type of container.

Container Type & Location	Storage Policy
1) Drums at Dock #1 and #2	Signage designed, approved, and in preparation to remind employees to keep all drums under the roof. A chain will be placed to ensure drums remain under roofed area. The signs and chains will be in place by 11/11/05.
2) Drums at end of Dealer Dock	Signage designed, approved, and in preparation to remind employees and dealers to keep all drums under the roof. A chain will be placed to ensure drums remain under roofed area. The signs and chains will be in place by 11/11/05.
3) Other Drums	Job Environment Analysis ("JEA") preparation approved and in process for staff. JEA will provide that miscellaneous drums shall not be stored outside. JEA will be updated on 11/11/05.
4) Suistubs on Road at East Dock	MTLM stores Suistubs in the Aerospace Parts Security ("APS") Building.
5) Suistub lids	MTLM stores Suistub lids in the APS Building.
6) Suistubs under repair	MTLM has confirmed that all repair work on Suistubs occurs under the East Dock overhang. Once a suistub has been repaired it will be stored in the APS Building with the others.
7) Tanks full of	All tanks filled with metal chips are stored under the North and

metal chips	South Awnings and West Sheds
8) Empty tanks to the south of the south pad	MTLM has sought a proposal from M&G Construction to build a walled area with a sloped impermeable floor to the south of the south pad. This impermeable area will be used to store empty tanks. Stormwater collected in this area will be pumped and treated as needed, subject to permit adjustment. MTLM issued a purchase order on 10/19/05. M&G Construction expects to complete the work on December 15, 2005. Once plans for this impermeable area are finalized, MTLM will retain Nafis & Young to do the analysis necessary to determine how much stormwater will be retained in this area, and what modifications, if any, are required to MTLM's treatment permit.
9) Dealer Dock Load luggers	MTLM will tarp each load lugger empty or full. MTLM will confirm that these luggers are watertight. In an effort to ensure that this process proceeds smoothly, MTLM has ordered spare tarps.
10) Luggers in South Yard	MTLM will auction off 83 luggers from the South Yard. MTLM has retained Petrowsky Auctioneers to conduct the auction on 11/3/2005. MTLM expects all sold luggers to be removed by 12/15/2005.
11) Rolloffs in South Yard	<p>MTLM has approximately fifty rollofs onsite. Certain are in active use. MTLM will do the following with respect to its rollofs:</p> <p>1) Out-of-service rollofs will be washed on a controlled pad, and then stored upside-down in the South Yard. MTLM expects all out-of-service rollofs to be washed by 11/30/05.</p> <p>2) In-service rollofs will be tarped and stored in one of the four controlled areas described below:</p> <p>A. CBS Pad – This is a west-east sloped pad with a drain on its east side. The drain empties into an 8,000 gallon catchbasin. MTLM empties the catchbasin as needed in a manner consistent with the applicable regulations</p> <p>B. CBS Blacktop – This is a west-east sloped pad, with a wall on the east side that blocks the water exit. In addition to the wall, the blacktop is bermed on the north and south causing stormwater to be retained. MTLM removes the retained water to the ABCOR, or to tanked storage for later ABCOR processing as permitted.</p> <p>C. Roofed Dock Wells – These are located on the eastside of the main building.</p> <p>D. Empty Tank Area – This area will be constructed in the manner described in item 8 of this table (<i>See above</i>).</p>
12) Containers for Scrap Wood	MTLM will build an impervious area similar to the one proposed for the area to the south of the south pad. This area will be used to store rollofs containing scrap wood. Stormwater collected in this impervious area will be pumped and treated as needed, subject to

	<p>permit adjustment. MTLM issued a purchase order on 10/19/05. M&G Construction expects to complete the work on December 15, 2005. Once plans for this impermeable area are finalized, MTLM will retain Nafis & Young to do the analysis necessary to determine how much stormwater will be retained in this area, and what modifications, if any, are required to MTLM's treatment permit.</p>
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3. *Pursuant to 1.a. above, all stained soil in the stormwater basin to the west of the access road and in the drainage swales (to the east and west of the facility access road) must be tested and disposed of in accordance with the DEP's Bureau of Waste Management's requirements.*

Response: MTLM sampled the drainage swales on its facility on September 16th and 30th. The DEP was invited to attend both sampling sessions. The samples taken on September 16 were taken in various locations as directed by Ray Frigon of the DEP. The Swales on the east and west sides of the road were sampled on September 30. For all samples, MTLM placed flags indicating where the sample was taken. MTLM received the results of these tests on October 10, 2005. To the extent impacts are identified which are associated with historic conditions or site remediation activities are indicated pursuant to the Connecticut Transfer Act, Danny Corp. and Aerospace Metals, Inc. should be notified. We are in the process of reviewing the results. After this review is complete, steps consistent with the requirements of the Bureau of Waste Management's will be identified.

4. *Pursuant to 1.a. and 1.e, all storm drains and catch basins must be inspected. Where drains are found to be blocked or sumps are found to be full or nearly full, all accumulated material must be removed and disposed appropriately. Any contaminated material found in catch basin sumps/ drains must also be removed.*

Response: After DEP's September 2 inspection, all catch basins at the MTLM facility were vacuum cleaned by United Industrial Services. Solids were put into United Industrial Service's rolloff container permitted to take MTLM's oily waste. An additional precaution was taken with respect to the solids from the catch basins in the vicinity of the Weston Tanks. Those solids were collected in drums and then tested for PCB's. It is understood that since the solids were non-detect for PCB's, the material may be transferred to United Service's rolloff container permitted to handle MTLM's oily waste. To the extent conditions related to historic operations or remedial activities consistent with the Transfer Act are identified, Danny Corp. and/or Aerospace Metals, Inc. must be notified.

5. *Pursuant to 1.a. and 1.f. above, load luggers must be completely stored within the containment berm around the CBS pad area.*

Response: MTLM management reminded all drivers to keep the load luggers and rollofts in the CBS pad area within the containment berm on the CBS pad. Management checks the CBS pad area daily to ensure that drivers and other employees follow this directive.

6. *Pursuant to 1.a. above, the berming around the CBS Blacktop area must be extended to contain stormwater runoff from all directions.*

Response: MTLM installed additional berming along the north and south sides of the CBS blacktop after the inspection on September 2, 2005. The installation was completed on or before September 28, 2005. The east side of the CBS blacktop was already fully enclosed. Berming was not added to the west side of the CBS blacktop because the elevation of the west side is much higher than that of the east side causing stormwater to flow from west to east. Leaving the west side open was operationally important to MTLM as it simplifies access to the CBS blacktop without impacting stormwater quality.

7. *Pursuant to 1.a. and 1.r. above, transfer activities at the south pad must be improved to eliminate the potential for stormwater pollution.*

Response: Initially after receiving this NOV, MTLM promptly solicited a proposal from M&G Construction to build a one foot high wall along the south side of the south pad. The intent of the wall is to allow trucks to continue to back up to the pad and dump water onto the south pad, as permitted by MTLM's pretreatment permit; however, the wall would ensure that trucks do not drive on the south pad. MTLM received the proposal from M&G Construction on October 15, 2005.

However, based on recent conversations with DEP (Nisha Patel), MTLM has been encouraged to consider an alternative concept for managing transfer activities at the south pad. This alternative would involve removing the current catch basin and replacing it with a grated sump and an above-ground water storage tank. The sump would pump water from transfer activities into the above-ground storage tank, which would then discharge to the ABCOR system. In addition to the system modifications, the pad would be upgraded by adding an additional layer of paving to ensure that the pad area slopes towards the new sump and grate.

MTLM is evaluating each of the aforementioned proposals from an operational and environmental perspective. Given the DEP's position relative to the containment vessel at the south pad and the fact that the vessel serves to hold flow from the remediation trench, Danny Corp. and/or Aerospace Metals, Inc. will be advised of DEP's conclusion. In any event, MTLM will choose one of these systems by 11/04/05, and will notify the DEP accordingly. When implementing either of the aforementioned proposals, MTLM will determine whether any treatment permit modifications are required. Finally, regardless of which system MTLM implements after consultation with DEP and independent consultants, MTLM will inspect the south pad area after either system is installed to ensure that trackout continues to be minimized.

8. *Pursuant to 1.a., 1.d. and 1.f. above, aluminum turnings must be stored behind the red line such that the turnings are not exposed to stormwater.*

Response: MTLM purchased and installed large signs reminding company employees and customers of MTLM's policy that all turnings in the Dealer Dock bins must be kept behind the red line at all times. As part of MTLM's standard operating procedure as soon as turnings are loaded or unloaded at the Dealer Dock bins an employee surveys the area for any turnings that are beyond the red line. If turnings are present beyond the red line, the employee is charged with

pushing the loose turnings behind the red line using either a broom or one of the Caterpillar Loaders MTLM has on site. Bin cleanup occurs as soon as loading or unloading is completed. Rod Hamilton, MTLM's Vice President of Manufacturing, has reminded facility staff of this policy. MTLM will confirm that reference to this policy is included in its Stormwater Pollution Prevention Plan ("SWPPP") (for more information about the SWPPP see the Response to Additional Comment 14).

9. *Pursuant to 1.b. and 1.f. above, all waste dumpsters and rolloffs must be covered, in watertight containers with no drain holes, or drain holes plugged.*

Response: Please see the response to Additional Comment 2.

10. *Pursuant to 1.d. above, the CBS pad area must be maintained and accumulated material around the berm must be removed and disposed of appropriately.*

Response: MTLM will complete removal of all accumulated material around the CBS berm by 11/4/05. Any collected material will be disposed of consistent with any applicable requirements. Additionally, MTLM's weekly inspections (See Additional Comment 13 Response) will ensure that material does not accumulate in the future.

11. *Pursuant to 1.d. above, wood pallets, waste metals, inoperable machinery, empty clean drums, and discarded tires must be stored under cover or disposed of accordingly.*

Response: MTLM disposed of any waste materials or wood pallets located on the outside of its facility. By 11/1/2005, all spare parts for various machines at the MTLM facility will be either stored outside under a tarp, or stored inside.

12. *Pursuant to 1.d. above, the fragmitizer and the slot boxes behind the main building must be covered.*

Response: In August 2005, MTLM requested that Equipment Design Associates design a new fragmentizer infeed. A purchase order was issued on October 10, 2005 to ES Metals for a new hood and to Handling Services, LLC for new covered conveyors. MTLM expects the new systems to be in place within 8-10 weeks. MTLM will supplement this response when that new system is in place.

Any slot boxes behind the main building were removed. Slot boxes used by MTLM are either disposed of as waste wood or MTLM retains them for future use by storing them inside.

13. *Pursuant to 1.a. and 1.d. above, all paved area must be inspected for the presence of metal shavings, used filters, and any other waste products. All paved area must be cleaned/ swept and the sweepings disposed of appropriately.*

Response: Without acknowledging or admitting that metal shavings or other materials are "wastes", MTLM conducts weekly inspections to verify the absence of metal shavings, used filters, and any other waste products on all paved areas. If the aforementioned materials are encountered, MTLM manages them in a manner consistent with applicable regulations.

14. *Pursuant to 1.g. above, the Pollution Prevention Plan must be amended to address all the violations noted above. Specifically, the Plan must include, but not be limited to: a plan for storing all containers (empty and full of material) in a manner which will prevent pollution, a plan for preventing the discharge of oil and coolant from the site, a maintenance plan for paved/impervious areas, outside storage areas, and stormwater drainage and management systems including appropriate disposal method(s) for sweepings/ cleanings, a plan for the management systems including appropriate disposal method(s) for sweepings/ cleanings, a plan for the management of the south pad to eliminate the potential for stormwater pollution, a plan to verify that no unacceptable non-stormwater discharges to the storm sewer/ surface waters exist (such as the discharge from the maintenance courtyard discovered on September 19, 2005), and a plan for stabilization of the drainage swale (to the east of the facility access drive), prepared by a licensed Professional Engineer.*

Response: MTLM immediately requested and recently received a proposal from Nafis & Young Engineers to review MTLM's Stormwater Pollution Prevention Plan to ensure consistency with the requirements of the Stormwater General Permit and the comments above. A purchase order was issued for Nafis & Young's services on October 21, 2005. As soon as possible, MTLM will submit a completion schedule for Nafis & Young's review of the SWPPP.


Metal Management, Inc.

Metal Management Aerospace, Inc.

October 3, 2005

Mr. Oswald Inglese, Jr.
 Director, Bureau of Water Management
 State of Connecticut DEP
 79 Elm Street
 Hartford, Ct. 06106-5127

BUREAU OF WATER MANAGEMENT

OCT 03 2005

Dear Mr. Inglese:


I am writing this letter to follow-up on the meeting we had on Friday September, 23, 2005. At that meeting you indicated that DEP would expedite the approval process for our new Chip Processing System (CP-5) if we promptly provide DEP with four categories of information about the chip processing discharge, and if we address seven items related to stormwater management. On September 28th, we received a letter from Barak Brako Frempong of your office detailing the information that you have requested concerning the discharge from the chip processing systems. We are working on our response to that letter and expect to send you the requested information by Thursday, October 6th.

In addition, we are taking the actions related to stormwater that you indicated were of immediate concern. These actions include the following:

1. Develop a plan for managing outside storage of empty containers;
2. Have completed testing for PCBs, RCRA metals, and TPH within the drainage swales that had not previously been sampled;
3. Retain a consultant to propose an erosion and sediment control plan, as well as a schedule for preparation of that plan;
4. Develop a conceptual plan for minimizing the trackout of oil from the south pad;
5. Perform dye testing or otherwise confirm that drains at the facility do not discharge non-stormwater wastewaters to the stormwater collection system;
6. Provide a schedule for updating the stormwater pollution prevent plan; and
7. Begin making improvements to the general housekeeping of outdoor areas, including covering or removing wastes that may be exposed to stormwater.

Metal Management Aerospace, Inc. is currently engaged in activities required to respond to the items above; to the broader issues discussed on Friday; and any additional issues described in the Notice of Violations we received on September 22 and 23, 2005. If you have any questions or need additional information, please feel free to contact me (860) 550-7241. You may also contact Earl Phillips at (860) 275-8220, who is undertaking our representation in lieu of Mark Sussman regarding any of the stormwater or NOV issues. In the short-term, Mark Sussman is continuing to assist us in obtaining DEP approval to discharge wastewater from the CP-5, so you may also contact him about any questions relating to the chip processing discharge.

Sincerely,



James M. Nathan
President



Metal Management, Inc.

Metal Management Aerospace, Inc.

Mr. Oswald Inglese, Jr.
Director, Bureau of Water Management
State of Connecticut DEP
79 Elm Street
Hartford, CT 06106-5127

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OCT 14 2005

WATER MANAGEMENT BUREAU

October 14, 2005

Dear Mr. Inglese,

I am writing to follow up on the letter that I sent you dated October 3, 2005 regarding the meeting we had on Friday September 23, 2005. In the October 3 letter, I identified seven items related to stormwater management that Metal Management Aerospace, Inc. ("MTLM") agreed to address in an effort to expedite the approval process for our new titanium Chip Processing System (CP-5). Below I have listed the seven items noted in the October 3rd letter (in *italics*) and MTLM's status with respect to each item. Please understand that the following responses and the actions or efforts referenced do not constitute admissions of non-compliance, but rather are designed to be responsive to the DEP's request that MTLM provide certain information to facilitate DEP's approval of CP-5.

1. *Develop a plan for managing outside storage of empty containers;*

Status: The table below summarizes MTLM's efforts to respond to the DEP's request. The table below identifies MTLM's storage policy for each class of container found at MTLM's facility.

Container Type	Storage Policy
1) Drums at Dock #1 and #2	Signage designed, approved, and in preparation to remind employees to keep all drums under the roof. Chain will be placed to ensure drums remain under roofed area.
2) Drums at end of Dealer Dock	Signage designed, approved, and in preparation to remind employees and dealers to keep all drums under the roof. Chain will be placed to ensure drums remain under roofed area.
3) Other Drums	Job Environment Analysis ("JEA") preparation approved and in process for staff. JEA will provide that miscellaneous drums shall not be stored outside.
4) Suistubs on Road at East Dock	MTLM to establish storage space in the Aerospace Parts Security ("APS") Building for the Suistubs.
5) Suistub lids	MTLM to establish storage space in the APS Building for the Suistub lids.
6) Suistubs under repair	MTLM has confirmed that all repair work on Suistubs will occur on the APS Dock under an awning. Once a suistub has been repaired it will be stored in the APS Building with the others.

7) Tanks full of material	All filled tanks are stored under the North and South Awnings and West Sheds
8) Empty tanks to the south of the south pad	MTLM has sought a proposal from M&G Construction to build a walled area with a sloped impermeable floor to the south of the south pad. This impermeable area will be used to store empty tanks. Stormwater collected in this area will be pumped and treated as needed, subject to permit adjustment. MTLM is expecting to receive a proposal from M&G on 10/19.
9) Dealer Dock Load luggers	MTLM will tarp each load lugger empty or full. Spare tarps have been ordered.
10) Luggers in South Yard	MTLM will tarp each load lugger empty or full. Spare tarps have been ordered.
11) Rolloffs in South Yard	MTLM will tarp each rolloff empty or full. Spare tarps have been ordered.
Containers for Scrap Wood	MTLM will build an impervious area similar to the one proposed for the area to the south of the south pad. This area will be used to store rolloffs containing scrap wood. Stormwater collected in this impervious area will be pumped and treated as needed, subject to permit adjustment. MTLM is expecting to receive a proposal from M&G on 10/19.

2. *Have completed testing for PCBs, RCRA metals, and TPH within the drainage swales that had not previously been sampled;*

Status: Drainage swales were sampled on September 16th and 30th. The DEP was invited to attend both sampling sessions. The samples taken on September 16 were taken in various locations as directed by Ray Frigon of the DEP. The Swales on the east and west sides of the road were sampled on September 30. MTLM received the results of these tests on October 10, 2005. We are in the process of reviewing the results.

3. *Retain a consultant to propose an erosion and sediment control plan, as well as a schedule for preparation of that plan;*

Status: MTLM immediately requested and recently received a proposal from Nafis & Young Engineers to do the work described in item 3. The proposal is under internal review by MTLM, it is anticipated that a purchase order will issue to Nafis & Young (or other provisions will be made) during the week of October 17, 2005. MTLM has concurrently contracted for a determination of potential rights of access to the appropriate outfalls.

4. *Develop a conceptual plan for minimizing the trackout of oil from the south pad;*

Status: MTLM has solicited a proposal from M&G Construction to build a one foot high wall along the south side of the south pad. The wall will allow trucks to continue to back up to the pad and dump water onto the south pad, as permitted by MTLM's pretreatment permit; however, the wall will ensure that trucks do not drive on the south pad. MTLM

expects to receive the proposal from M&G Construction by October 19. MTLM will inspect the south pad area after the wall is installed to ensure that trackout continues to be prevented.

5. *Perform dietesting or otherwise confirm that drains at the facility do not discharge non-stormwater wastewaters to the stormwater collection system;*
6. *Provide a schedule for updating the stormwater pollution prevent plan; and*

Status for 5 & 6: MTLM immediately requested and recently received a proposal from Nafis & Young Engineers to do the work described in items 5 and 6. The proposal is under internal review by MTLM, it is anticipated that a purchase order will issue to Nafis & Young (or other provisions will be made) during the week of October 17, 2005.

7. *Begin making improvements to the general housekeeping of outdoor areas, including covering or removing wastes that may be exposed to stormwater.*

Status: MTLM has taken substantial steps towards covering or removing materials noted by the DEP. For example:

- a. Machine parts that were outside have been covered or moved inside.
- b. Trash and other garbage has been removed.
- c. Empty slot boxes have been disposed of or moved inside.

As you can see from the list above, Metal Management Aerospace, Inc. has taken the initiative to respond to each of the seven items you identified during our September 23, 2005 meeting. For those activities that have not yet been completed, MTLM is actively engaged in the steps necessary to respond completely to those items. Consistent with our understanding, we look forward to the DEP processing our application for our new chip processor (CP-5). This equipment stands ready to be tested and operate at this time. Naturally we are holding off on these critical tests and the equipment operation until we receive the DEP's permission. Our counsel, Earl Phillips, has been in contact with Robert Isner and we hope that we can meet with the two of you in the near future.

If you have any questions or need additional information, please feel free to contact me (860) 550-7241, Dan Mullen (860) 550-7253, or Earl Phillips at (860) 275-8220.

Sincerely,



James Nathan

President

Daniel Mullen

Vice President Environmental &
Technical Services

cc: Alan Kosloff, esq.
Earl Phillips, Robinson & Cole LLP
Dylan Fuge, Robinson & Cole LLP